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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/713,135	11/14/2000	Pradeep Javangula	50269-0503	3533

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EXAMINER

JACKSON, ANDRE L

ART UNIT	PAPER NUMBER
3677	

DATE MAILED: 12/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/713,135

Applicant(s)

JAVANGULA ET AL.

Examiner

Andre' L. Jackson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-8, 10-22, 24-36 and 38-44 are rejected under 35 U.S.C. 102(e) as being anticipated by USPN 6,512,919 to Ogasawara. Ogasawara discloses an electronic shopping system for processing electronic transaction comprising a store server (10) or remote server (26), wherein input to initiate sequences cause one of the above servers to execute the steps of receiving from a wireless telephone (18) first order data for an order/transaction and device identification data (col. 6, line 12-31), wherein the first order data comprises information relating to one or more products or services that a customer associated with the wireless telephone desires to purchase from a merchant (col. 3, lines 31-42 and 55-60), yet includes less than a minimum set of data required by a merchant/store to completely process the order/transaction and the device identification data (wireless phone number) identifies the wireless telephone (col. 6, lines 35-40); retrieving, based upon device identification data, at least one data item (col. 6, lines 62-64) that is not contained in the first order data, but that is required to completely process the order; generating, based upon first order data and the one data item, second order data (col. 7, lines 8-11) that includes the minimum set of data required by the merchant/store for processing.

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Referring to claims, 2-8, 10, 16-22, 24, 30-36 and 38, Ogasawara discloses further that the purchase transaction program requests a password synonymous with a personal identification number which is authenticated or verified (col. 7, lines 1-8). As cited above, customer identification data is retrieved from a database within the store or remote server upon obtaining the customer's phone number of the wireless phone during transmission of the first order data. Order fulfillment or product information needed to fulfill an order is received by the customer's wireless phone along with pricing or billing information when coded information is sent to the server via the wireless phone (col. 6, lines 46-57). Further, within a customer's information database (50), shipping information is stored (col. 9, lines 9-14).

Referring to claims 11, 13, 14, 25, 27, 28, 39, 41 and 42 Ogasawara discloses the communication link transmitting data from the customer's mobile device is a radio signal or wireless medium (col. 11, lines 45-57). In a second embodiment, Ogasawara provides a PDA or videophone (218), which can be considered as a mobile computer (col. 15, lines 63-67 and col. 16, lines 1-12).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9, 23 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogasawara in view of USPN 6,026,375 to Hall et al. Ogasawara discloses a shopping application program which facilitates the receiving and processing of product selections made by a

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customer/purchaser via the wireless telephone as discussed above, but Ogasawara fails to disclose a condition where the purchase transaction program cannot process an order/transaction, as a result, the second order data is provided to a second merchant (transaction program) for processing. Hall et al teaches a system for processing an order from a mobile customer (100), the system comprises a component for receiving an order from a customer's mobile device (105), where the order includes customer identifying information; another component (150) for identifying facilities (172, 174, 176) capable of completing the order; a component (360, 376) determining a desired time of completion of the order and which facility is capable of completing the order within a predetermined time as desired by the customer. Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to modify the electronic shopping system of Ogasawara to include the order processing system as taught by Hall et al to provide an improved electronic shopping system providing order/transaction of product(s) through a plurality of networking merchants/transaction programs/sellers for the purpose of assuring availability and/or readiness of an order/transaction as requested by a customer, where customer satisfaction is upheld and customer inconvenience is eliminated.

Response to Applicant's Arguments

Applicant's arguments filed in Amendment A on September 30, 2003 have been fully considered but they are not persuasive.

On page 19 of the above amendment, applicant argues that the Examiner's viewpoint of the prior art relied upon (Ogasawara) does not disclose or suggest the limitations of applicant's claims before and now after being amended. In particular, applicant recites that the first order data received from a mobile customer device comprises information relating to one or more products

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or services that a customer associated with the mobile customer device desires to purchase from a merchant. In response to the above limitation and applicant's arguments presented, the Examiner has clarified his interpretation of the limitation "first order data" to more clearly coincide with the broadest reasonable interpretation possible consistent to applicant's specification.

On the topic of applicant's specification, the Examiner has carefully reviewed applicant's specification and would like to point out the following passage from applicant's disclosure. On page 11, the last paragraph, lines 14-23, applicant explains how the "first order data" is generated by a customer's device. For example, applicant states that a customer device may be provided with information to initiate a transaction from a facilitator. The information requested or provided to the customer's device is in the form of web pages, which gives product(s) and/or service(s) information offered by a seller or merchant. In short, the above description of generating the "first order data" is believed to be parallel with the fundamental concept as expressed by Ogasawara, where a customer's device contacts a store server (facilitator), which in turn provides a downloadable purchase transaction program (information) to a customer's device. The program includes product, service and transaction related information for a customer utilizing the customer's device to generate "first order data", which is interpreted by the Examiner as an input from the customer into the customer's device in response to the purchase transaction program (see column 3, lines 31-42 and lines 55-60). From this standpoint, the Examiner believes Ogasawara sets forth a parallel approach for processing electronic orders in comparison to applicant's invention.

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In conclusion, for at least the reasons stated above, the Examiner believes Ogasawara anticipates all of the limitations as set forth in applicant's claims and the rejection of claims 1-44 is maintained and proper.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre' L. Jackson whose telephone number is (703) 605-4276. The examiner can normally be reached on Mon. - Fri. (10 am - 6 pm).

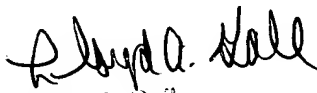
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on (703) 308-3179. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9326.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1018.

André L. Jackson
Patent Examiner
AU 3677

ALJ


Lloyd A. Hall
Primary Examiner